

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

IN RE DMCA SUBPOENA TO SCRIBD,
INC.,

Case No. [4:23-mc-80309-KAW](#)

**ORDER GRANTING MOTION TO
COMPEL COMPLIANCE WITH
SUBPOENA**

Re: Dkt. No. 7

On December 5, 2023, a subpoena was issued to Scribd., Inc. to obtain the identifying information for users Petitioner American Petroleum Institute (“API”) contend are uploading its copyright-protected content to the Scribd platform. (*See* Mot., Dkt. No. 7 at 1-2.)

On January 25, 2024, API filed a motion to compel compliance with the subpoena. (Mot.) On February 16, 2024, API informed the Court that Scribd provided deficient responses to the subpoena on February 2, 2024. (Dkt. No. 8 at 1.)

On March 1, 2024, Scribd filed a response to the motion to compel. (Resp., Dkt. No. 14.) Therein, Scribd explained that API’s subpoena identified over 2,000 unique purported accounts, and that it quickly began collecting the requested data for production, but that, “due to the unusually high number of accounts identified in the subpoena, the aggregation process was unusually lengthy.” *Id.* In response to the subpoena, Scribd produced a spreadsheet concerning all the identified accounts that it could locate (approximately 1,589 out of 2,212). *Id.* Scribd also informed API that it did not have the requested financial information, because it utilizes an intermediary company to manage billing, such that it does not possess financial records that provide “user-level” identification. *Id.* at 1-2.

Jason Bentley, Scribd., Inc.’s Compliance Manager, submitted a declaration in support of

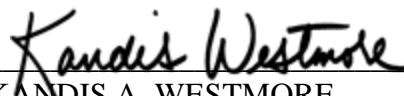
1 Scribd's response. (Decl. of Jason Bentley, "Bentley Decl.," Dkt. No. 14-1.) Therein, Mr. Bentley
2 explained that he conducted a reasonable search of the information repositories most likely to
3 contain the requested information, and he was able to collect identifying information for 1,589 of
4 the 2,213 alleged users identified by API. (Bentley Decl. ¶ 4.) He further explained that Scribd
5 does not possess any of the requested financial information, because many of the identified
6 accounts were free accounts, and Scribd uses an intermediary company to manage billing.
7 (Bentley Decl. ¶ 5.) Mr. Bentley provided that, "to the best of [his] knowledge, after conducting a
8 reasonable search, Scribd has no additional information responsive to API's subpoena in its
9 possession that [he] could produce." (Bentley Decl. ¶ 6.)

10 While it appears that Scribd is unlikely to possess any additional information, Mr.
11 Bentley's supporting declaration does not completely foreclose on the possibility that Scribd still
12 possesses responsive information on the remaining accounts. Indeed, it is unclear to the court what
13 the "reasonable search" consisted of, such as what "information repositories" Mr. Bentley
14 determined were most likely to contain the requested information compared to other sources of
15 information.

16 Accordingly, the motion to compel is GRANTED, and Scribd is ordered to fully comply
17 with the subpoena within 21 days of this order. If Scribd is unable to locate and produce
18 information on the remaining users, a sworn declaration describing how a reasonable search was
19 performed but turned up no additional information is sufficient to satisfy Scribd's discovery
20 obligation.

21 IT IS SO ORDERED.

22 Dated: March 19, 2024

23 
24 KANDIS A. WESTMORE
25 United States Magistrate Judge
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